

REMARKS

Claims 1, 3-9 and 19, 20, 22-30 and 32-37 remain pending in the application.

Objection to Claim 1

The informality in the preamble of claim 1 is amended herein. It is therefore respectfully requested that the objection now be withdrawn.

Section 112, First Paragraph Rejections of Claims 1, 19 and 30

In the Office Action, the Examiner rejected claims 1, 19 and 30 under 35 USC 112, first paragraph, for use of the language “based only” in the phrase “downloading a real-time audio representation of the information based only on call related information”.

Claims 1, 19 and 30 have been carefully reviewed with the Examiner’s comments in mind, and have been appropriately amended herein to be more definite. It is respectfully requested that the rejection be withdrawn.

Claims 1, 3, 5-9, 19, 20, 22-28, 30 and 32-37 over Hoffman

Claims 1, 3, 5-9, 19, 20, 22-28, 30 and 32-37 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,390,237 to Hoffman, Jr. et al. (“Hoffman”). The Applicant respectfully traverses the rejection.

Claims 1, 3, 5-9, 32 and 35 recite a locality lookup table associating call related information entries with respective broadcast information streams relevant to a locality, and a plurality of **PRE-stored** broadcast information streams within a server of current news relevant to a locality. The processor **automatically** identifies a specific one of the plurality of **PRE-stored** broadcast information streams **based only on call related information**, and to allow downloading to a caller of a real time audible representation of the one of said plurality of **PRE-stored** broadcast information streams relevant to the locality.

Claims 19, 20, 22-28, 30, 33, 34, 36 and 37 recite a method of selecting a broadcast information stream relevant to a locality, comprising **automatically** determining a desired one of a plurality of **PRE-stored** broadcast

information streams relevant to a locality based only on call related information, and downloading the desired one of the plurality of PRE-stored broadcast information streams relevant to a locality to the calling party.

Hoffman teaches a weather information system that comprises a number of continuous audio loops, each from a different remote weather station. A caller manually selects one of the plurality of remote weather stations, each outputting a real-time broadcast. Thus, the caller may plug-into the audio loop coming from a manually selected remote weather station, and plugs into it at the current audio position.

Hoffman's broadcast information is neither PRE-stored, nor automatic based on call related information.

For instance, Hoffman's Abstract teaches that a 'remote weather station is selected by the incoming caller by means of a "decision tree" process using a touch tone phone, and the central switching and interface unit makes contact with a local interface unit at the selected geographically remote weather reporting station. The caller may manually input an area code of the desired location for which they would like to hear a weather broadcast, and they are then connected to an on-going location weather information broadcast from the weather station at the selected location, on a real time basis. That is, the caller receives the information directly and immediately as it is locally broadcast by the remote facility." (Hoffman, col. 7, lines 13-26)

Hoffman fails to disclose selection of PRE-stored broadcast information streams, much less AUTOMATIC identification of a specific one of a plurality of PRE-stored broadcast information streams based only on call related information, as claimed by claims 1, 3, 5-9, 19, 20, 22-28, 30, and 32-37.

For these and other reasons, claims 1, 3, 5-9, 19, 20, 22-28, 30, and 32-37 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 4 over Hoffman in view of Reilly

Claim 4 was rejected under 35 USC 103(a) as allegedly being obvious over Hoffman in view of U.S. Pat. No. 5,740,549 to Reilly et al. (“Reilly”). The Applicant respectfully traverses the rejection.

Claim 4 depends from claim 1, and is patentable for all the reasons that claim 1 is patentable.

As discussed above, Hoffman fails to disclose, teach or suggest selection of **PRE-stored** broadcast information streams, much less **AUTOMATIC** identification of a specific one of a plurality of **PRE-stored** broadcast information streams based only on call related information, as claimed by claim 4.

The Examiner cites Reilly as allegedly teaching “a modem in communication with the processor (column 4, lines 23-38).” (Office Action at 8)

Even so, Reilly fails to teach or suggest the use of **PRE-stored** broadcast information streams, much less **AUTOMATIC** identification of a specific one of a plurality of **PRE-stored** broadcast information streams based only on call related information, as claimed by claim 4.

Accordingly, the theoretical combination of Hoffman with Reilly, even if proper, STILL fails to teach or suggest the features of claim 4.

For at least these reasons, claim 4 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 29 over Hoffman in view of Fellingham

Claim 29 was rejected under 35 USC 103(a) as allegedly being obvious over Hoffman in view of U.S. Pat. No. 6,442,244 to Fellingham et al. (“Fellingham”). The Applicant respectfully traverses the rejection.

Claim 29 depends from claim 19, and is patentable for all the reasons that claim 19 is patentable.

As discussed above, Hoffman fails to disclose, teach or suggest selection of **PRE-stored** broadcast information streams, much less **AUTOMATIC** identification of a specific one of a plurality of **PRE-stored** broadcast information streams based only on call related information, as claimed by claim 29.

In the Office Action, the Examiner cites Fellingham for allegedly teaching “storing the downloaded desired one of the plurality of broadcast information streams relevant to a locality in a voice messaging system associated with the calling party (column 4, lines 14-19).” (Office Action at 9)

Fellingham teaches a system wherein upon receipt of a call, a switch within a network accesses a database to determine if the call should receive an announcement during call set-up. (Fellingham, Abstract) Fellingham requires MANUAL input by a user, for instance, requiring a MANUAL caller to MANUALLY enter their area code number, etc. (e.g., See Fellingham, col. 4, lines 14-19.

Fellingham clearly teaches that an announcement is provided in real-time, not for storage in a voice messaging system associated with the calling party, as claimed by claim 29. In fact, Fellingham TEACHES AWAY from storage of the announcement in a voice messaging system by teaching that the announcement is provided during the CALL SET-UP—NOT at all during a call itself. In fact, according to Fellingham, as soon as the call IS established, the announcement is terminated. Thus, according to Fellingham, the announcement CAN'T be stored in a voice messaging system that stores calls from ESTABLISHED telephone calls.

Accordingly, Fellingham fails to teach or suggest the use of PRE-stored **broadcast** information streams, much less **AUTOMATIC** identification of a specific one of a plurality of PRE-stored **broadcast** information streams based only on call related information, and certainly not storage in a voice messaging system associated with the calling party, all as claimed by claim 29.

Accordingly, the theoretical combination of Hoffman with Fellingham, even if proper, STILL fails to teach or suggest the features of claim 29.

Therefore, claim 29 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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